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Special Processing Submission

Via Facsimile – 571-273-8300

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of: Hooman A. Asbaghi  
Serial No: 09/775,239  
Patent No.: 6,530,905  
Filed: February 1, 2001  
Issued: March 11, 2003  
For: SELF-SHEATHING DENTAL NEEDLE  
Examiner: Philippe Derakshani  
Customer No: 23862  
Attorney Docket: 11370.1 (formerly 11311.1)

Art Unit  
3754

2012 JAN -5 PM 3:41  
RECEIPT IS ACCOUNTING  
USPTO

PETITION TO REVIVE DUE TO UNAVOIDABLE DELAY IN PAYMENT OF  
MAINTENANCE FEE

Attention: Office of Petitions  
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition to revive due to unavoidable delay in payment of maintenance fees under 37 CFR 1.378(b). The following fees are included with this petition: (1) 3.5 year maintenance fee: \$565.00; (2) 7.5 year maintenance fee: \$1425.00; and (3) Surcharge under § 1.20(i)(1): \$700.00.

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### Facts of the Case

The patent for "Self-Sheathing Dental Needle" (U.S. Patent No. 6,530,905) (hereinafter "the patent") referenced above issued on March 11, 2003 to Hooman A. Asbaghi (hereinafter, the "Patentee"). This patent application for the patent was filed and prosecuted by the law firm of Nydegger and Associates of San Diego, CA (hereinafter, the "Attorney").

In accordance with docketing procedures (See attached Exhibit A), Attorney sent a letter to Patentee on August 1, 2006, regarding an upcoming due date of September 11, 2006 for payment of the 3.5 year maintenance fee for the patent. Attorney received a response from Patentee on August 14, 2006 instructing Attorney not to pay the maintenance fee and to allow the patent to go abandoned (See attached Exhibit B). In accordance with the Patentee's instructions, the 3.5 year maintenance fee was not paid and the patent became abandoned as of April 11, 2007. Between August 14, 2006 and September 16, 2011, neither Attorney nor Patentee took any action related to the patent.

On September 16, 2011, Patentee called Attorney to inquire about reviving the European patent for the same invention. During this conversation, Patentee first found out that the Patent had become abandoned in the United States. Attorney provided Patentee with a copy of the August 14, 2006 letter showing that Patentee checked the box indicating not to pay the maintenance fee. After viewing the letter of August 14, 2006, the Patentee stated that he had checked the wrong box when responding to Attorney (See attached Exhibit C: Statement of Hooman A. Asbaghi (the "Patentee")). On September 30, 2011, Patentee called Attorney to inquire about the procedures required to revive the patent. Funds, along with instructions to begin work on a Petition to Revive, were provided to Attorney on December 6, 2011.

### Fees Required

In accordance with 37 CFR 1.378(b), the following fees are included with this Petition:

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1. 3.5 year maintenance fee: \$565.00 (for maintenance fee originally due on September 11, 2006).
2. 7.5 year maintenance fee: \$1425.00 (for maintenance fee originally due on September 11, 2010).
3. Surcharge under § 1.20(i)(1): \$700.00

Request for Revival

With the above in mind and evidence provided in the Exhibits included with this petition, the Patentee respectfully requests that the Patent be revived due to an unavoidable delay in the payment of maintenance fees under 37 CFR 1.378(b).

Dated this 4<sup>th</sup> day of January, 2012.

Respectfully submitted,



NEIL K. NYDEGGER  
Attorney for Applicant  
Registration No. 30,202  
Customer No. 23862

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300

Docket: 11370.1 (formerly 11311.1)

**Exhibit A: Docketing Procedures of Nydegger and Associates for Paying U.S. Patent Maintenance Fees**

Computer Patent Annuities (CPA) is used by Nydegger and Associates to track, remind, and pay all U.S. and foreign maintenance fees.

The following steps apply to the patent referenced in this Petition:

1. When a patent application is filed, a File Input Sheet is sent to CPA informing them of the application number and filing date.
2. When a patent application issues, an updated File Input Sheet with the patent number and issue date is sent to CPA.
3. Approximately 3 months before the maintenance fee payment window opens, CPA sends a renewal notice. At this point, a letter is sent to the client informing the client of a maintenance fee due and asking for instructions;
4. The actual due date is docketed along with a one month reminder.
5. A docketing spreadsheet is also updated as needed with the following information:
  - a. file number
  - b. due date
  - c. date letter sent to client
  - d. date instructions received from client
  - e. date instructions were sent to CPA
  - f. amount and date an invoice was received and billed to the client
  - g. date the invoice was paid by Nydegger and Associates
6. If Nydegger and Associates has not heard from the client by the one month due date reminder, this office will begin contacting the client via another letter, email, a phone call, or a combination of the preceding methods of communication.
7. Nydegger and Associates also re-dockets for the 6 month extension period with a one month reminder. Again, this is done by contacting the client via another letter, email or a phone call.

Exhibit B

**NYDEGGER & ASSOCIATES**

ATTORNEYS AT LAW

TARYL L. ANDERSEN  
ADMINISTRATOR

348 OLIVE STREET  
SAN DIEGO, CALIFORNIA 92103

email@nydegger.com

TELEPHONE  
(619) 688-1300  
FACSIMILE  
(619) 688-1322

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August 1, 2006

HBA MEDICAL GROUP, INC.  
c/o Hooman A. Asbaghi  
3414 Jackdaw Street  
San Diego, CA 92103

Re: SELF-SHEATHING DENTAL NEEDLE  
U.S. Patent No. 6,530,905  
Our File: 11370.1

Dear Mr. Asbaghi:

Our docketing system has brought to my attention the fact that a maintenance fee is due on September 11, 2006 with respect to the above-identified patent property. The cost for payment of this fee will be approximately \$685.00. Failure to pay the maintenance fee will cause this patent property to lapse; conversely, upon the payment of the maintenance fee the patent property will remain in force for another year (or other period of time).

With regard to this matter, we look forward to receiving your instructions before April 25, 2006. Absent specific instructions from you, we will not proceed to pay the maintenance fee. A copy of this letter is enclosed for your response.

Very truly yours,

NYDEGGER & ASSOCIATES

  
TARYL L. ANDERSEN  
Administrator

☐ Please pay the maintenance fee.

☒ Please do not pay the maintenance fee and allow this case to go abandoned.

  
Signature

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AUG 14 2006  
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JAN 04 2012

Exhibit C: Statement of Hooman A. Asbaghi (the "Patentee")

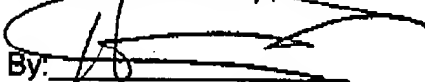
I, Hooman A. Asbaghi, Secretary of HBA Medical Group, Inc. (the "Assignee"), sent Attorney correspondence on August 14, 2006, in which I inadvertently checked the wrong box and indicated that I did not wish to pay the 3.5 year maintenance fee for the patent that is the subject of this Petition to Revive. I meant to check the block that indicated that I wanted to pay the 3.5 year maintenance fee. It was through my own mistake that this error occurred, and not through any fault on the part of Attorney.

I did not find out that the patent referenced in this Petition was abandoned until approximately September 16, 2011, when I called Taryl Andersen, the Office Administrator at the law firm of Attorney, to inquire about reviving the corresponding European patent related to the same invention. During this conversation, Taryl Andersen informed me that only the Canadian patent was still maintained. Consequently, both the European patent and the US patent were abandoned.

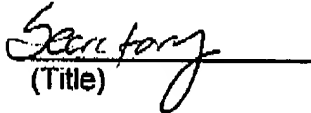
Due to my various business endeavors in the United States and abroad, I am involved with numerous patents and patent applications. I am also conducting business in several languages, and English is not my native language. I was always under the impression that the maintenance fees for the patent had been paid. I had no reason to believe otherwise. In fact, in 2005, I was in a business arrangement with a Japanese company named Nipro that involved the patent. Under the terms of this business arrangement, it was essential that the patent be maintained in the United States.

On September 16, 2011, upon learning that the patent was abandoned, I asked for information about how I could revive this patent. After finding out the patent was abandoned during my conversation with Taryl Andersen, I also went to Attorney's office on September 16, 2011 to discuss my predicament in person with Attorney. Once I fully understood my options for reviving the Patent, I gave my attorney the funds required to proceed with filing this petition on December 6, 2011.

HBA Medical Group, Inc.

By: 

Hooman A. Asbaghi

  
(Title)Date: 1-3-12